

1 WEST VALLEY CITY, UTAH

2
3 ORDINANCE NO. 11-15

4
5 Draft Date: 6/15/2011, 06/23/2011

6 Date Adopted: 06/28/2011

7 Date Effective: 07/08/2011

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9 AN ORDINANCE AMENDING SECTIONS 17-24-101, 17-24-
10 102, 17-24-110, 17-24-11 AND 17-24-112 OF TITLE 17 OF
11 THE WEST VALLEY CITY MUNICIPAL CODE
12 REGARDING THE SALE AND USE OF FIREWORKS.
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14 WHEREAS, pursuant to Utah Code Ann. §10-8-47, the City has the authority to prevent
15 the discharge of fireworks and other dangerous or combustible material; and

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17 WHEREAS, the City has determined that open flames and fireworks present a more
18 significant risk of igniting fires in certain areas; and

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20 WHEREAS, the City has determined that preservation of public health, safety and
21 welfare requires that open flames and fireworks not be allowed on City property and in other
22 specified areas of the City; and

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24 WHEREAS, the City desires to amend the definition of fireworks and times during
25 which they may be sold and discharged to conform with the definition of fireworks as found in
26 the Utah Code; and

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28 WHEREAS, the City desires to amend the areas within the City where the discharge of
29 fireworks is restricted; and

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31 WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is
32 in the best interests of the health, safety, and welfare of the citizens of West Valley City to
33 amend 17-24-101, 17-24-102, 17-24-110, 17-24-111 and 17-24-112 of Title 17 of the West
34 Valley City Municipal Code.

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36 NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City,
37 Utah, as follows:

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39 Section 1. Repealer. Any other provision of the West Valley City Municipal Code
40 found to be in conflict with this Ordinance is hereby repealed.

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42 Section 2. Amendment. Sections 17-24-101, 17-24-102, 17-24-110, 17-24-111 and
43 17-24-112 of Title 17 of the West Valley Municipal Code are hereby amended as follows:
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CHAPTER 17-24
SALE AND USE OF FIREWORKS

17-24-101. DEFINITIONS.

- (1) Fireworks means any composition or device manufactured or used for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation ~~but does not include model rockets, toy pistol caps, emergency signal flares, snakes or glow worms, party poppers, wire sparklers under 36 inches in length, matches, or class "A" and "B" explosives.~~ Fireworks shall include the following:
- a. Class C explosives as defined in Utah Code Ann. § 53-7-202(4);
 - b. Class C dangerous explosives as defined in Utah Code Ann. § 53-7-202(6);
 - c. Class C common state approved explosives as defined in Utah Code Ann. § 53-7-202(5);
 - d. Ground or hand-held sparkling device, **which** means any cylindrical tube or fountain not exceeding 3/4" of inside diameter and containing not more than 75 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop; any cardboard or heavy paper cone (cone fountain) containing up to 50 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop; any cylindrical tube, or illuminating torch containing up to 100 grams of pyrotechnic composition which produces colored fire upon ignition; any pyrotechnic device or wheel capable of being attached to a post or tree containing up to six "driver" units or tubes not exceeding 1/2" in inside diameter that each contain not more than 60 grams of pyrotechnic composition per driver unit which revolves upon ignition producing a shower of color and sparks and sometimes a whistling effect; any device similar in design and effect to a "wheel" capable of being placed on the ground (ground spinner) and ignited; and any narrow paper fuseless tube (flutter sparkler) filled with pyrotechnic composition that produces color and sparks when the popper at one end of the tube is ignited;
 - e. Ground Audible Device, **which** means any paper or cardboard tube containing not more than 50 milligrams of pyrotechnic material that travels along the ground (chaser) upon ignition and often produces a whistling and/or popping effect;
 - f. Combination Fireworks Device, **which** means any device containing combinations of two or more of the effects described in subsections (a) or (g);
 - g. Trick Noisemaker, **which** means any tube or sphere containing pyrotechnic composition that upon ignition produces white or colored smoke (smoke device) as its primary effect; and any device that produces a small report intended to surprise the user, including:

- (i) A "booby trap" which is a small tube with a string protruding from both ends that ignites the friction-sensitive composition in the tube when the string is pulled;
- (ii) A "snapper" which is a small paper-wrapped device containing a minute quantity of explosive composition coated on bits of sand which explodes producing a small report;
- (iii) A "trick match" which is a kitchen or book match coated with a small quantity of explosive or pyrotechnic composition that produces a small shower of sparks when ignited;
- (iv) A "cigarette load" which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when the cigarette is ignited; and
- (v) An "auto burglar alarm" which is a tube which contains pyrotechnic composition that produces a loud whistle and smoke when ignited. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report. A squib is used to ignite the device.
- (2) Fireworks shall not include model rockets, toy pistol caps, emergency signal flares, snakes or glow worms, party poppers, wire sparklers under 36 inches in length, matches, or Class "A" and "B" explosives.
- (3) Permanent Structure means a non-movable building, securely attached to a foundation, housing a business licensed to sale merchandise in addition to Fireworks.
- (4) Retail Sales Locations means both permanent structures and temporary stands where fireworks are sold.
- (5) Temporary Stand means a nonpermanent structure used exclusively for the sale of fireworks.

17-24-102. SALE, DISCHARGE AND POSSESSION OF FIREWORKS RESTRICTED.

It is a Class "B" misdemeanor for any person to sell or offer for retail sale ,or to discharge, ~~or to have in their possession any fireworks in West Valley City, other than those defined in subsection 17-24-101(2) through (5)~~ Fireworks unless specifically authorized under this Chapter.

17-24-110. DAYS WHEN FIREWORKS MAY BE SOLD

Fireworks may be sold ~~on or between June 20 and July 25; on or between December 20 and January 2; and 15 days before and on the Chinese New Year~~ each year beginning on June 26 and ending on July 26, beginning on December 26 and ending on January 1, and three days before and on the Chinese New Year.

17-24-111. DAYS WHEN FIREWORKS MAY BE DISCHARGED.

Fireworks may be discharged ~~three days prior to, on the day of, and three days following July 4, July 24, January 1, and the Chinese New Year~~ each year beginning on June 26 and

ending on July 26, on January 1 and December 31, and the day before and on the Chinese New Year.

17-24-112. DISCHARGE OF FIREWORKS RESTRICTED

- (1) It shall be unlawful to discharge any fireworks within 100 feet of temporary stands, LPG, flammable liquid, or gas storage and dispensing units.
- (2) It shall be unlawful to discharge any fireworks within 20 feet of any residence, dwelling or other structure.
- (3) It shall be unlawful to discharge any fireworks in any area west of SR-111 in West Valley City.
- (4) Except as provided in Title 4, it shall be unlawful to discharge any fireworks on property owned by West Valley City.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this 28th day of June, 2011.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER